

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

**Comcast Cable Communications, LLC**  
Request for Waiver  
of 47 C.F.R. § 15.712(b)

) *ET Doc. 04-186*  
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) **RECEIVED - FCC**

To: Chief, Office of Engineering and Technology

**APR - 5 2011**  
Federal Communications Commission  
Bureau / Office

**REQUEST FOR WAIVER**

Comcast Cable Communications, LLC ("Comcast") respectfully requests that the Commission waive the distance requirement set forth in Section 15.712(b) of its rules, so as to provide critical interference protection for the continued receipt of broadcast signals at certain cable headends and associated signal receive locations from unlicensed Television Band Devices (TVBDs).

Comcast provides cable service to over twenty-two million customers in thirty-nine states and the District of Columbia. Comcast has reviewed its existing reception of broadcast signals and requests this interference protection waiver for just nine (9) of its many broadcast receive sites located across the country. In particular, Comcast seeks a waiver with respect to its headend/receive facilities located in Arbuckle, CA; Earle, AR; Elizabethtown, KY; Newberry, SC; Portales, NM; Raton, NM; Springer, NM; Trinidad, CO; and Washington, GA.<sup>1</sup>

<sup>1</sup> Comcast has been advised by Commission staff that no filing fee is required in connection with this waiver request.

On September 23, 2010, the Commission adopted final rules for the introduction of unlicensed TVBDs for operation in the unused spectrum in the TV bands (or “white spaces”).<sup>2</sup> Section 15.712(b) of the rules provides, in pertinent part, that multichannel video programming distributor (MVPD) receive sites, *e.g.* cable headends, “located outside the protected contour of the TV station(s) being received may be registered in the TV bands database if they are no farther than 80 km outside the nearest edge of the relevant contour(s).” 47 C.F.R. § 15.712(b). In its Second Memorandum Opinion and Order (“Order”) adopting the final rules, the Commission recognized that “there are cable headends that receive TV station signals located at distances beyond 80 km from the edge of the television station’s protected service contour” and acknowledged concerns about “possible disruption of service to cable subscribers” in those areas from unlicensed TVBDs.<sup>3</sup>

The Commission therefore provided that current MVPD operators with receive sites located beyond the 80 km protected zone may apply within 90 days after the effective date of the rules for a waiver of that distance.<sup>4</sup> Pursuant to the Order, such waiver requests would also involve shifting the 20 km adjacent channel protection distance so that it is measured from the actual headend/receive site rather than from the station’s contour.

The instant request is consistent with the letter and spirit of the waiver mechanism included within the Order. Again, Comcast is seeking a waiver for nine (9) broadcast receive

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<sup>2</sup> *In the Matter of Unlicensed Operation in the TV Broadcast Bands, Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band*, ET Docket No. 04-186, ET Docket No. 02-380, Second Memorandum Opinion and Order, FCC 10-174 (rel. Sept. 23, 2010).

<sup>3</sup> *Id.* at ¶ 42.

<sup>4</sup> *Id.* The rules went into effect January 5, 2011. MVPD operators that commence operation in the future with receive sites located beyond the co-channel and adjacent protection distances may apply for a waiver of those distances within 90 days of commencing operation. *Id.*

sites. In each instance, the distance calculation provided by Comcast is based on the FCC's maps of all full-service digital television stations<sup>5</sup> and its TV service contour data, which is regularly updated and available on the Commission's website.<sup>6</sup>

1. Comcast provides cable service to 302 subscribers in the rural community of Williams, CA using an over-the-air receive site in Arbuckle, CA (See Exhibit 1 for additional information). In particular, this site imports broadcast station KCSO, which is located 151 km away, to residents in this area. In order to provide KCSO's distant broadcast station to its subscribers, Comcast installed a 100-foot antenna tower, which receives the signal from the distant broadcast transmitter and retransmits it via cable to its subscribers. This receive site is located approximately 86.21 km from the protected contour of station KCSO, and thus exceeds the 80 km protection zone provided to cable headends in the rules.

2. Comcast provides cable service to 390 subscribers in the rural communities of Earle City, AR and Parkin City, AR using an over-the-air receive site located in Earle, AR (See Exhibit 1 for additional information). In particular, it imports broadcast station KATV, which is located 204.3 km away, to residents in these areas. In order to provide this distant broadcast station to its subscribers, Comcast installed a 140-foot antenna tower, which receives the signal from the distant broadcast transmitter and retransmits it via cable to its subscribers. This receive site is located approximately 107.71 km from the protected contour of station KATV, and thus exceeds the 80 km protection zone provided to cable headends in the rules.

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<sup>5</sup>See <http://www.fcc.gov/dtv/markets/>.

<sup>6</sup>See [http://www.fcc.gov/ftp/Bureaus/MB/Databases/tv\\_service\\_contour\\_data/readme.html](http://www.fcc.gov/ftp/Bureaus/MB/Databases/tv_service_contour_data/readme.html).

3. Comcast provides cable service to 2,199 subscribers in the rural communities of Leitchfield, KY and Hodgenville, KY using an over-the-air receive site located in Elizabethtown, KY (See Exhibit 1 for additional information). In particular, it imports broadcast station WKYT, which is located 191.9 km away, to residents in these areas. In order to provide this distant broadcast station to its subscribers, Comcast installed a 199-foot antenna tower, which receives the signal from the distant broadcast transmitter and retransmits it via cable to its subscribers. This receive site is located approximately 96.32 km from the protected contour of station WKYT, and thus exceeds the 80 km protection zone provided to cable headends in the rules.

4. Comcast provides cable service to 3,595 subscribers in the rural communities of Newberry City, SC, Newberry County, SC and Prosperity Town, SC using an over-the-air receive site located in Newberry (See Exhibit 1 for additional information). In particular, it imports broadcast station WLOS, which is located 188.5 km away, to residents in these areas. In order to provide this distant broadcast station to its subscribers, Comcast installed a 300-foot antenna tower, which receives the signal from the distant broadcast transmitter and retransmits it via cable to its subscribers. This receive site is located approximately 82.53 km from the protected contour of station WLOS, and thus exceeds the 80 km protection zone provided to cable headends in the rules.

5. Comcast provides cable service to 2,005 subscribers in the rural communities of Portales City, NM and Roosevelt County, NM using an over-the-air receive site located in Portales, NM (See Exhibit 1 for additional information). In particular, it imports broadcast

station KAMR, which is located 187.5 km away, to residents in these areas. In order to provide this distant broadcast station to its subscribers, Comcast installed a 290-foot antenna tower, which receives the signal from the distant broadcast transmitter and retransmits it via cable to its subscribers. This receive site is located approximately 86.87 km from the protected contour of station KAMR, and thus exceeds the 80 km protection zone provided to cable headends in the rules.

6. Comcast provides cable service to 1,491 subscribers in the community of Raton, NM using an over-the-air receive site located in Raton (See Exhibit 1 for additional information). In particular, it imports broadcast station KRDO, which is located 250.6 km away, to residents in this area. In order to provide this distant broadcast station to its subscribers, Comcast installed a 70-foot antenna tower<sup>7</sup>, which receives the signal from the distant broadcast transmitter and retransmits it via cable to its subscribers. This receive site is located approximately 131.78 km from the protected contour of station KRDO, and thus exceeds the 80 km protection zone provided to cable headends in the rules.

7. Comcast provides cable service to 185 subscribers in the rural community of Springer, NM using an over-the-air receive site located in Springer (See Exhibit 1 for additional information). In particular, it imports broadcast station KNME, which is located 211 km away, to residents in this area. In order to provide this distant broadcast station to its subscribers, Comcast installed a roof-top antenna, which receives the signal from the distant broadcast transmitter and retransmits it via cable to its subscribers. This receive site is located

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<sup>7</sup> Ground elevation at this site is 7,460 ft.

approximately 80.62 km from the protected contour of station KNME, and thus exceeds the 80 km protection zone provided to cable headends in the rules.

8. Comcast provides cable service to 2,204 subscribers in the communities of Trinidad City, CO and Las Animas County, CO using an over-the-air receive site located in Trinidad (See Exhibit 1 for additional information). In particular, it imports broadcast station KXTU, which is located 188.8 km away, to residents in these areas. In order to provide this distant broadcast station to its subscribers, Comcast installed a rooftop antenna, which receives the signal from the distant broadcast transmitter and retransmits it via cable to its subscribers. This receive site is located approximately 135.08 km from the protected contour of station KXTU, and thus exceeds the 80 km protection zone provided to cable headends in the rules.

9. Comcast provides cable service to 1243 subscribers in the communities of Washington City, GA and Wilkes County, GA using an over-the-air receive site located in Washington, GA (See Exhibit 1 for additional information). In particular, it imports broadcast station WSB which is located 180.5 km away, to residents in these areas. In order to provide this distant broadcast station to its subscribers, Comcast installed a 440-foot antenna tower, which receives the signal from the distant broadcast transmitter and retransmits it via cable to its subscribers. This receive site is located approximately 83.65 km from the protected contour of station WSB and thus exceeds the 80 km protection zone provided to cable headends in the rules.

Without a waiver of the distance rules, Comcast's reception of the broadcast stations listed above could be seriously disrupted by unlicensed TVBDs operating within the beamwidth

of the distant broadcast signal, resulting in the loss of that station's programming in the respective communities. Comcast respectfully requests, therefore, that the Commission waive the distance requirement in section 15.712(b) and permit the company to register its headend/receive sites located in Arbuckle, CA; Earle, AR; Elizabethtown, KY; Newberry, SC; Portales, NM; Raton, NM; Springer, NM; Trinidad, CO; and Washington, GA in the TV Band geo-location database in order to protect them from harmful interference from TVBDs. Comcast also requests that the waiver provide that the 20 km adjacent channel protection zone be measured from the headend/receive site. This waiver will ensure that valuable broadcast television programming continues to be available without disruption to Comcast's cable subscribers.

In sum, the instant waiver request fully satisfies the Order's grounds for waiver requests and will serve the public interest. It also meets the Commission's general waiver standard set forth in Section 1.3 of the Commission's rules.<sup>8</sup>

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<sup>8</sup> 47 C.F.R. § 1.3 ("Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.")



The undersigned have read this request for waiver and to the best of their knowledge, information and belief formed after reasonable inquiry, it well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; and it is not interposed for any improper purpose.

Respectfully submitted,

A handwritten signature in cursive script that reads "Catherine Fox". The signature is written in dark ink and is positioned above a horizontal line.

Catherine Fox, Senior Counsel  
Brian A. Rankin, Vice President, Deputy  
General Counsel  
Comcast Cable Communications, LLC  
Legal Department  
One Comcast Center, 50<sup>th</sup> Floor  
Philadelphia, PA 19103  
(215) 286-8818

April 5, 2011



# **Exhibit 1**

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Receive Site		Broadcaster	Receive Channel from Division	Full Address	Communities Served	Latitude (N)	Longitude (W)	Distance from Contour
Arbuckle	CA	KCSO-LD	33	504 Gail Ave W of Old Hwy 59, Arbuckle, CA	Williams, CA	39.01146	-122.03349	86.21
Earle	AR	KATV	22	Hwy 64 Business West, Earle, AR	Earle City, AR; Parkin City, AR	35.16066	-90.2911	107.71
Elizabethtown	KY	WKYT-TV	36	2919 Ring Rd, Elizabethtown, KY	Leitchfield, KY; Hodgenville, KY	37.425863	-86.442811	96.32
Newberry	SC	WLOS	13	908 Belfast Rd .25 mi from Chappedel, Newberry, SC	Newberry City, SC; Newberry County, SC; Prosperity Town, SC	34.1548	-81.3918	82.53
Portales	NM	KAMR-TV	19	AHN-12248 South of Portales (.5 mi S of Hwy 18), Portales, NM	Portales City, NM; Roosevelt County, NM	34.094926	-103.202118	86.87
Raton	NM	KRDO-TV	24	Old Pass Rd, Raton, NM	Raton City, NM	36.5402	-104.2759	131.78
Springer	NM	KNME-TV	35	1000 Summit Ave, Springer, NM	Springer Town, NM	36.3668726	-104.591828	80.62
Trinidad	CO	KXTU-LD	57	444/448 N Commercial St, Trinidad, CO	Trinidad City, CO; Las Animas County, CO	37.1719	-104.0507	135.08
Washington	GA	WSB-TV	39	167 Burt Lumber Rd, Washington, GA	Washington City, GA; Wilkes County, GA	33.4306	-82.4542	83.65

## DECLARATION OF BRIAN A. RANKIN

1. My name is Brian A. Rankin. My business address is One Comcast Center, 50<sup>th</sup> Floor, Philadelphia, PA 19103.

2. I am Vice President, Deputy General Counsel for Comcast Cable Communications, LLC ("Comcast"). In this role, I am responsible for counseling Comcast with regard to applicable legal requirements and obligations, including those arising from the Communications Act of 1934, as amended, and the rules of the Federal Communications Commission ("FCC").

3. I have read the foregoing Request for Waiver. To the best of my personal knowledge, information, and belief, based on the kinds of information on which I routinely rely in performing the duties of my office, the statements made in this response are true and correct.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 1<sup>st</sup> day of April, 2011.

A handwritten signature in cursive script, reading "Brian A. Rankin", written over a horizontal line.

Brian A. Rankin